IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4153 of 2006()

CRA.743/2005 OF THE COURT OF THE ADDL. DISTRICT AND SESSIONS JUDGE FAST TRACK (ADHOC-I), KOZHIKODE
ST.593/2005 OF THE COURT OF THE SPECIAL JUDICIAL FIRST CLASS MAGISTRATE (MARAD CASES), KOZHIKODE.

REVN. PETITIONER: APPELLANT/ACCUSED:

HYDROSE P.K., S/O.CHERIYA THANGAL,
PARAKADAVATH HOUSE, MUNNIYOOR P.O.,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS: COMPLAINANT/STATE:

1. PARASMAL LUNAVAT, S/O.PADAMCHAND JAIN,
PROPRIETOR, DOLPHIN FINANCIAL SERVICES
E.K.P.COMPLEX, OPPOSITE PAICO, KALLAI ROAD,
KOZHIKODE, REP. BY POWER OF ATTORNEY HOLDER
K.GIRISHAN, S/O.BHASKARAN, `GREENS', NEAR WATER
TANK, PUTHIYARA, KOZHIKODE DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.P.SAMSUDIN
R2 BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4153 OF 2006

Dated this the 27th day of November,2006

O R D E R

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for six months and to pay a sum of Rs.2,41,250/- as compensation. On appeal by the accused, the Appellate Court confirmed the conviction. However, the sentence of imprisonment was reduced to imprisonment till rising of the Court. The compensation awarded by the trial court was confirmed.

2. Crl.M.Appl.No.11960 of 2006 was filed by the revision petitioner/accused and the first respondent/complainant for compounding the offence. That application was allowed.

Accordingly, the Criminal Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006

K.T. SANKARAN, J.

CRL.M.APPL.NO. 11960 OF 2006

Dated this the 27th day of November,2006

O R D E R

This is an application filed under Section 147 of the Negotiable Instruments Act seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the first respondent/ complainant and their counsel. It is stated in the application that the entire amount payable to the complainant has been received by him and the matter is settled between the parties. The application is allowed.

(K.T.SANKARAN)
Judge

ahz/